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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/612,612	07/09/2000	Peter Kouropoulos	PK-1	8342

7590 02/23/2004
Michael I Kroll
171 Stillwell Lane
Syosset, NY 11791

EXAMINER

COLIN, CARL G

ART UNIT	PAPER NUMBER
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2136

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DATE MAILED: 02/23/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/612,612

Applicant(s)

KOUROPOULOS, PETER

Examiner

Carl Colin

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 July 2000.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 09 July 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

1. Pursuant to USC 131, claims 1-14 are presented for examination.

Specification

2. The abstract of the disclosure is objected to because it is too lengthy. Correction is required. See MPEP § 608.01(b).

Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

Claim Objections

3. **Claim 12** is objected to because of the following informalities: the phrase "with an supplying power" should be changed to --and-- supplying power. Appropriate correction is required.

Claim Rejections - 35 USC § 102

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4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4.1 **Claims 1-2, 4-5, 8-9, 10, 12, and 14** are rejected under 35 U.S.C. 102(e) as being anticipated by US Patent 5,978,923 to **Kou**.

4.2 **As per claim 1, Kou** discloses a device for disconnecting a computer system from a communications channel during power down periods, said device comprising: means for sensing a voltage drawn by the computer system (see column 1, lines 38-43); an input port for connecting to a communications channel and an output for connecting said input port to a communications channel input of the computer system (see figure 3). **Kou** discloses a relay connected between said input port and output port for selectively disconnecting said input port

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and output port (see column 13, lines 64-67) upon sensing a voltage drawn is below a threshold value indicating the computer system is in a powered down or sleep state (see column 5, lines 1-15; column 6, lines 3-7; and column 7, lines 40-44). **Kou** discloses that ports can be selectively disabled that meets the recitation of being disconnected upon the system entering a sleep state by period of inactivity or pressing a button or both.

As per claim 2, Kou discloses the limitation of wherein said input and output ports are cable connectors, said input port being connectable to a cable line (see column 3, lines 53-54).

As per claim 4, Kou discloses the limitation of wherein said input and output ports are telephone connectors, said input port being connectable to a telephone line (see column 10, lines 35-38).

As per claim 5, Kou discloses the limitation of wherein said device includes first, second and third input ports, first, second and third corresponding output ports and first second and third relays, each relay being connected between a respective pair of input and output ports (see figure 3).

As per claims 8-9, Kou discloses the limitation of further comprising a manual override switch for manually triggering said relay to disconnect said first, second and third input ports from said first, second and third output ports, respectively (see column 7, lines 32-37).

As per claim 10, Kou discloses the limitation of wherein said means for sensing senses a voltage drawn by a monitor of the computer system (see column 1, lines 53-57).

As per claim 12, Kou discloses the limitation of wherein said device is connected to a power source and includes a power outlet for connection with a supplying power to the computer system, said means for sensing the amount of voltage used by the computer system (see column 3, lines 51-59 and column 1, lines 38-43; and figure 3).

As per claim 14, Kou discloses the limitation of wherein the monitor decreases an amount of voltage needed upon entering a sleep mode after a predetermined period of inactivity, the decreased amount of voltage needed being of a value able to cause said sensing means to trigger said relay to disconnect said input and output ports (see column 5, lines 33-40 and column 14, lines 30-43). **Kou** also discloses that all other devices not needed will be disabled (see column 5, lines 53-55).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to

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which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5.1 **Claims 3 and 6** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,978,923 to **Kou**.

As per **claim 3**, **Kou** discloses the limitation of wherein said input and output ports are not limited to a modem (see column 10, lines 35-38). DSL ports are well known in the art. It is apparent that said input and output ports disclosed by **Kou** can be xDSL, said input port being connectable to a xDSL line.

Claim 6 recites the same limitation of claims 2-4. Therefore, **claim 6** is rejected on the same rationale as the rejection of claims 2-4.

6. **Claims 7 and 11** are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 5,978,923 to **Kou** in view of US Patent 5,721,934 to **Scheurich**.

As per **claim 7**, **Kou** substantially teaches a device comprising a telephone/facsimile connector (see column 10, lines 35-38). **Kou** does not explicitly teach said device being powered at all times. However, **Scheurich** in an analogous art teaches using a phone line connected separately from the relay to receive incoming call (see column 6, lines 45-49). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention

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was made to modify the device of **Kou** to provide a telephone/facsimile connector being powered on at all times said device is in the on mode as taught by **Scheurich** to receive incoming call. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Scheurich** so as to be able to receive calls at all times.

As per claim 11, **Kou** substantially teaches a device comprising means for sensing triggers a relay to connect (see column 9, lines 11-16). **Kou** does not explicitly teach means for connecting during a predetermined period during a day. However, **Scheurich** in an analogous art teaches shut down during a predetermined time of day (see column 10, lines 25-28) and also teaches using a timing circuit and power-up and the means of allowing a user to contact the computer system through the communications channel during the predetermined time of day (see column 2, lines 35-44 and column 9, lines 28-34). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of **Kou** to to connect said input and output port during a predetermined period during a day thereby allowing a user to contact the computer system through the communications channel during the predetermined time of day as taught by **Scheurich** to provide automatic restoration for the computer system. This modification would have been obvious because one skilled in the art would have been motivated by the suggestions provided by **Scheurich** so as to provide automatic restoration for the computer system.

As per claim 13, **Kou** discloses the limitation of wherein said device is connected to a power source and includes a power outlet for connection with a supplying power to the computer

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system, said means for sensing the amount of voltage used by the computer system (see column 3, lines 51-59 and column 1, lines 38-43; and figure 3).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure as the art discloses timing of devices to restore power.

US Patents:	5,113,294	Kim
	6,657,534	Beer et al.

7.1 Any inquiry concerning this communication or earlier communications from the examiner should be directed to Carl Colin whose telephone number is 703-305-0355. The examiner can normally be reached on Monday through Thursday, 8:00-6:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.


Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

CC

Carl Colin

Patent Examiner

February 17, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100